

OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE
NO.1, WILLIAMS ROAD, CANTONMENT, TRICHY-1.

TRADE NOTICE: 22/2007 – CE

DATED : 17.9.2007.

Sub: Communication of Notification No. 26/2007 – CEx dated 06.06.2007
(F.No: DGEP/FTP/69/2007-EOU & G&J) & Notification No. 29/2007 – CEx
dated 06.07.2007 (F.No: DGEP/FTP/69/2007-EOU & G&J) – Regarding.

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Copy of Notification No. 26/2007 – CEx dated 06.06.2007 (F.No: DGEP/FTP/69/2007-EOU & G&J) & Notification No. 29/2007 – CEx dated 06.07.2007 (F.No: DGEP/FTP/69/2007-EOU & G&J) is communicated herewith.

2. The contents of the Trade Notice may be brought to the knowledge of all constituent members of Trade Associations / Chambers of Commerce

(Issued from file C.No.IV/16/3/2007 – C.Ex.Pol.)

Sd/-
(VASA SESHAGIRI RAO)
ADDITIONAL COMMISSIONER

To

As per mailing list II / III

Copy of the Notification No. 26/2007 – Cex dated 06.06.2007 (F.No: DGEP/FTP/69/2007-EOU & G&J)
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G.S.R. 418 (E).- In exercise of the powers conferred by sub-section (1) of section 5A of the Central Excise Act, 1944 (1 of 1944), read with sub-section (3) of section 3 of the Additional Duties of Excise (Goods of Special Importance) Act, 1957 (58 of 1957) and sub-section (3) of section 3 of Additional Duties of Excise (Textile and Textile Articles) Act, 1978 (40 of 1978), the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India, the Ministry of Finance (Department of Revenue), No. 22/2003- Central Excise, dated the 31st March, 2003, G.S.R. 265 (E), dated the 31st March, 2003, namely:-
In the said notification,

(1) in paragraph 8, after clause (iii), the following proviso shall be inserted, namely:-
“Provided that in a case of exit by a user industry where positive NFE criteria is fulfilled in terms of Para 6.18 (g) of Foreign Trade Policy, such clearance or debonding of goods shall be allowed under Advance Authorization as one time option on payment of applicable duty.”

(2) after paragraph 13, in the *Explanation*, after Sr. No. (x) and entries relating thereto, the following serial number and entry shall be inserted, namely:-
“(xi) “NFE” means Net Foreign Exchange Earnings in terms of Para 6.5 of Foreign Trade Policy and Para 6.10.1 of Handbook of Procedure, volume 1 and shall be calculated in the manner explained in Annexure-I to Appendix 14-I-G of Handbook of Procedure, volume 1.”

(F.No: DGEP/FTP/69/2007-EOU & G&J)

(Anupam Prakash)
Under secretary to the Government of India

Note:

The principal notification No. 22/2003-Central Excise, dated the 31st March, 2003 was published in the Gazette of India Extraordinary, Part II, Section 3 (i) vide G.S.R 265 (E), dated the 31st March, 2003 and last amended by notification No. 1/2007-Central Excise, dated the 15th January, 2007 published vide G.S.R. 26 (E), dated the 15th January, 2007.

Copy of the Notification No. 29/2007 – Cex dated 06.07.2007 (F.No: DGEP/FTP/69/2007-EOU & G&J)
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G.S.R.----- (E).- In exercise of the powers conferred by sub-section (1) of section 5A of the Central Excise Act, 1944 (1 of 1944), read with sub-section (3) of section 3 of the Additional Duties of Excise (Goods of Special Importance) Act, 1957 (58 of 1957) and sub-section (3) of section 3 of Additional Duties of Excise (Textile and Textile Articles) Act, 1978 (40 of 1978), the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby directs that each of the notifications of the Government of India, Ministry of Finance (Department of Revenue), specified in column (2) of the Table hereto annexed shall be amended or further amended, as the case may be, in the manner specified in the corresponding entry in column (3) of the said Table, namely:-

TABLE

Serial number	Notification number and Date	Amendments
(1)	(2)	(3)
1.	<u>22/2003- Central Excise</u> , dated the 31st March, 2003, G.S.R. 265 (E), dated the 31 st March, 2003.	<p>In the said notification,-</p> <p>(1) in the condition (4) of opening paragraph, in clause (a), for sub-clause (ii), the following sub-clause shall be substituted, namely:- “(ii) in the case of goods other than capital goods, such goods as are not proved to the satisfaction of the said officer to have been used in connection with the production or packaging of goods in accordance with SION for export out of India or cleared for home consumption within a period of three years from the date of procurement thereof or within such extended period as the said officer may, on being satisfied that there is sufficient cause for not using them as above within the said period, allow: Provided that-</p> <p>(a) where no SION norms have been notified, the generation of waste, scrap and remnants upto 2% of quantity of the inputs procured shall be allowed;</p> <p>(b) where additional items other than those given in the SION are required as inputs or where the user industry considers the existing SION as inadequate or where generation of waste, scrap and remnants is beyond 2% of the inputs procured, use of such goods shall be allowed on the basis of self-declared norms till such norms are fixed on <i>ad hoc</i> basis by the jurisdictional Development Commissioner within a period of three months from the date of self declared norms and the unit undertakes to adjust the self-declared/ <i>ad hoc</i> norms in accordance with norms as finally fixed by the Board of Approval with six months of fixation of <i>ad hoc</i> norms;”;</p> <p>(2) the condition (6) of opening paragraph and entries relating thereto shall be omitted;</p> <p>(3) in the paragraph 6,-</p> <p>(i) for the words “article in an user industry and such articles”, the words “article or services in an user industry and such articles or services” shall be substituted;</p> <p>(ii) for the words “appropriate duty”, the words “applicable duty” shall be substituted;</p> <p>(4) in the <i>Explanation</i> occurring after paragraph 13,-</p> <p>(a) for serial number (x) and entry relating thereto, the following serial number and entry shall be substituted, namely:- “(x) “Status holder” means importer recognized as Export House (EH), Star Export House (SEH), Trading House (TH), Star Trading House (STH) and Premier Trading House (PTH) in terms of Paragraph 3.5.2 of the Foreign Trade Policy.”;</p> <p>(b) after serial number (xi) and entry relating thereto, the following serial number and entry shall be inserted, namely:- “(xii) “SION” means Standard Input Output Norms notified by Director General of Foreign Trade in Handbook of Procedures, Vol. 2, 2004-09/approved by Board of Approval.”.</p>
2.	<u>23/2003- Central Excise</u> , dated the 31st March, 2003, G.S.R. 266 (E), dated the 31 st March, 2003.	<p>In the said notification, for the <i>Explanation II</i> occurring after paragraph 3, the following <i>Explanation</i> shall be substituted, namely:- “Explanation II. - For the purposes of this notification, following supplies shall be treated as imported goods:</p> <p>(i) goods received from any export oriented undertaking or Software Technology Park unit or Electronic Hardware Technology Park unit, as the case may be;</p> <p>(ii) goods received from Domestic Tariff Area under benefits of deemed exports under Paragraph 8.3 (a) and (b) of the Foreign Trade Policy.”.</p>

(F.No: DGEP/FTP/69/2007-EOU & G&J)

(Aseem Kumar)

Under secretary to the Government of India

Note:-

(1) The principal notification No. 22/2003-Central Excise, dated the 31st March, 2003 was published in the Gazette of India Extraordinary, Part II, Section 3 (i) vide G.S.R 265 (E), dated the 31st March, 2003 and last amended by notification No. 26/2007-Central Excise, dated the 6th June, 2007 published vide G.S.R. 418 (E), dated the 6th June, 2007.

(2) The principal notification No. 23/2003-Central Excise, dated the 31st March, 2003 was published in the Gazette of India Extraordinary, Part II, Section 3 (i) vide G.S.R 266 (E), dated the 31st March, 2003 and last amended by notification No. 22/2006-Central Excise, dated the 1st March, 2006 published vide G.S.R. 112 (E), dated the 1st March, 2006.